

LIP Final Implementation Guidelines (FY 2004)

Definitions of Terms Used in These Guidelines

“Species-at-risk” is defined as any Federally listed endangered, threatened, or candidate animal or plant species; species listed by NatureServe as critically imperiled (G1), imperiled (G2), or vulnerable (G3); or species listed by a State agency as endangered, threatened, of special concern, or others with justification. Species classified by the State as a “species-at-risk” must be identified as such in its grant proposal.

“Private land” is considered any nongovernment-owned land.

A “project” is a discrete task to be undertaken by or with private landowners for the accomplishment of the defined LIP objectives.

Program Requirements

1. What is the objective of this program? The primary objective of this program is to establish or supplement State landowner incentive programs that protect and restore habitats on private lands, to benefit Federally listed, proposed, or candidate species or other species determined to be at-risk, and provide technical and financial assistance to private landowners for habitat protection and restoration.
2. How will the Tribes participate in LIP? The Service will allocate 10% of the total funds appropriated under LIP to Tribes for a competitive grant program that we will describe in a separate Federal Register notice. For Tribal LIP grant information contact Pat Durham, U.S. Fish and Wildlife Service, Office of Native American Liaison, 1849 C Street NW, Mail Stop 3251, Washington, D.C. 20240 or call (202) 208-4133.
3. Does LIP require plans to be developed like the State Wildlife Grant Program (FY 2002) and the Wildlife Conservation and Restoration Program? No.
4. Who can apply for an LIP grant? The State agency with primary responsibility for fish and wildlife will be responsible for submitting all proposals to the U.S. Fish and Wildlife Service, Division of Federal Aid (FA). All other governmental entities, individuals, and organizations, including Tribes, may partner with or serve as a subgrantee to that fish and wildlife agency.

Fiscal Issues

5. How will the Service distribute the available funds? Unless it is otherwise stipulated in the appropriation, the Service will allocate 10% of the funds for Tribes, 3% of the funds to administer the program, and 87% of the funds for competitive grants.
6. What is the non-Federal match requirement for LIP grants? The Service requires a minimum of 25% non-Federal match for LIP grants (i.e. at least 25 percent of the total costs must come from

sources other than LIP or other federal funds). The U.S. Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands are exempt from matching requirements for this program (based on 48 U.S.C. 1469a. (d)).

7. May the required non-Federal match be in-kind contributions? Yes. Allowable in-kind contributions are defined in Title 43 of the Code of Federal Regulations (43 CFR), Part 12.64. The following website provides additional information <http://www.nctc.fws.gov/fedaid/toolkit/4312c.pdf>.

Grant Administration

8. How will the Service award grants to States? The Service will use a two-tiered award system. We will assess Tier-1 grant proposals to see that they meet minimum eligibility requirements. The Service will rank Tier-2 grants based on criteria described in this notice and award grants after a national competition.

9. What are the intended objectives of Tier-1 grants? The Service intends that Tier-1 grants fund staff and associated support necessary to develop or enhance an existing landowner program. Through the development of plans, outreach, and associated activities that assist in the accomplishment of projects on private lands, these programs should benefit private landowners and other partners to help manage and protect habitats that benefit species-at-risk.

10. What are the eligibility requirements for Tier-1 grants? To receive a Tier-1 grant a State program must demonstrate in its proposal that it can meet all of the following:

- (a) Deliver technical and financial assistance to landowners;
- (b) Provide for appropriate administrative functions such as fiscal and contractual accountability;
- (c) Use LIP grants to supplement and not replace existing funds;
- (d) Distribute funds to landowners through a fair and equitable system;
- (e) Provide outreach and coordination that assist in administering the program; and
- (f) Describe a process for the identification of species-at-risk, and a process for the identification of clear, obtainable and quantified goals and performance measures that will help achieve the management goals and objectives of LIP. Through this program, the States' efforts and leadership will help the Service meet its Long-Term and Annual Performance Goals.¹

¹ The two relevant Service goals are the Sustainability of Fish and Wildlife Populations (Goal 1.2) and Habitat Conservation (Goal 2.3), which can be found in the Service's Long Term Strategic Plan for 2000 to 2005 at <http://planning.fws.gov/usfwstrategicplanv3.pdf>. Related Service planning and results reports can be found at <http://planning.fws.gov>.

11. What are the intended objectives of Tier-2 grants? The objective of a Tier-2 grant should place a priority on the implementation of State programs that provide technical and financial assistance to the private landowner. Programs should emphasize the protection and restoration of habitats that benefit Federally listed, proposed, or candidate species, or other species-at-risk on private lands. The Service generally intends a Tier-2 grant to fund the expansion of existing State landowner incentive programs or those created under Tier-1 grants.

12. What criteria will the Service use to rank Tier-2 grants? The Service proposes to use the following criteria to rank Tier-2 proposals:

(a) Proposal provides clear and sufficient detail to describe the program. States are encouraged to describe any projects that are part of a broader scale conservation planning effort at the State or regional level. (0-10 points)

(b) Proposal describes adequate management systems for fiscal, contractual and performance accountability (State), including annual monitoring and evaluation of progress toward desired program objectives and performance measures and goals identified in the “expected results or benefits” section of the grant application (landowner and State). (0-10 points)

(c) Proposal describes the State’s fair and equitable system for fund distribution. For example, States develop their own process to evaluate and prioritize their project proposals based on criteria such as species needs, priority habitats, compliance with State and Federal requirements, and feasibility of success and select projects for grant proposal funding based on their highest priority standing. (0-10 points)

(d) Proposal describes outreach efforts used to effect broad public awareness, support, and participation. (0-10 points)

(e) Proposal identifies by name the species-at-risk to benefit from the proposal. Points increase from zero to 10 as the State identifies more species.

(f) Proposal describes the percentage of the State’s total LIP Tier-2 program funds identified for use on private land projects as opposed to staff and related administrative support costs. Points increase from zero to five as the percentage of funds identified for staff and related administrative costs decreases in comparison to the total program costs.

(g) Proposal identifies the percentage of total nonfederal fund cost sharing. Points increase from zero to five as the percentage of nonfederal cost sharing on the grant increases above the minimum cost share.

(h) Proposal demonstrates the urgency of the projects or actions that are to benefit the species targeted, and the short-term and long-term benefits anticipated to be gained. (0-5 points)

13. Are there funding limits (caps) for LIP? Yes.

(a) The Service will cap Tier-1 grants at \$180,000 for State fish and wildlife agencies, and \$75,000 for Territories and the District of Columbia.

(b) In addition, no State may receive more than 5% of the total funds available from the FY 2004 appropriation for Tier-1 and Tier-2 grants combined.

14. May a State submit more than one proposal? States may submit one proposal each for Tier-1 and Tier-2 grants under this notice. However, funding limits still apply, as described in the answer to Question 13.

15. If some FY 2004 funds remain after awarding Tier-1 and Tier-2 grants, how will the Service make them available to the States? We will announce subsequent requests for proposals until all LIP funds are obligated. States that have not reached the cap may submit an additional proposal during future requests for proposals.

16. Will interest accrue to the account holding LIP funds and if so how will it be used? No. LIP funds were not approved for investing, and as a result no interest will accrue to the account.

17. What administrative requirements must States comply with in regard to LIP? States must comply with 43 CFR, Part 12 that provides the administrative regulations (<http://www.nctc.fws.gov/fedaid/toolkit/4312c.pdf>) and OMB Circular A-87 that provides cost principles (<http://www.whitehouse.gov/omb/circulars>).

18. What information must a State include in a grant proposal? An LIP grant proposal must include an Application for Federal Assistance (SF-424) and must identify whether it is a Tier-1 or Tier-2 proposal. The proposal must also include statements describing the need, objectives, expected results or benefits, approach or procedures, location, and estimated cost for the proposed work (OMB Circular A-102). The expected results or benefits section must identify the State's discrete, obtainable and quantified performance measures to be accomplished (for example, the anticipated number of acres

of wetlands or stream miles to be restored, or the number of at-risk species with improved status) that will address the goals of LIP and, at the

same time, the Service's Long-Term Goals of Sustainability of Fish and Wildlife Population² (Goal 1.2) and Habitat Conservation³ (Goal 2.3).

The grant proposal should also clearly identify how each of the minimum eligibility requirements (Tier-1) and ranking criteria (Tier-2) are addressed. The SF-424 is available from FA at any Service Regional Office or at <http://www.nctc.fws.gov/fedaid/toolkit/formsfil.pdf>.

19. Where should a State send grant proposals? States should submit all LIP proposals to the appropriate U.S. Fish and Wildlife Service Region Office, Division of Federal Assistance. See the answer to Question 25. States are encouraged to submit proposals in electronic format (Word, Word Perfect, or pdf files), but all portions of the grant proposal must be received no later than the established deadline.

20. When are proposals due to the Service? The Service will accept proposals between [insert date of publication in the FEDERAL REGISTER] and [insert date 60 days after the date of publication in the FEDERAL REGISTER].

21. What process will the Service use to evaluate and select proposals for funding? The Service will evaluate all proposals that are received by the end of the period set forth in the answer to Question 20, above. Successful proposals will then be selected based on the final eligibility and selection criteria in the Implementation Guidelines, and will be subject to the final approval of the Assistant Secretary for Fish and Wildlife and Parks. The Service will notify all applicants of the results as soon as practicable but within 60 days of the deadline for submission of proposals.

22. Once a proposal is selected for funding, what additional grant documents must the applicant submit and to whom? In addition to the Application for Federal Assistance submitted with the original proposal, the Service requires the following documents: a Grant Agreement (Form 3-1552) and a schedule of work the State proposes to fund through this grant. Additionally, the

² By the end of 2005, 404 species listed under the Endangered Species Act as threatened or endangered for a decade or more will be stable or improving, 15 species will be delisted due to recovery, and a listing of 12 species at risk is made unnecessary due to conservation.

³ By 2005, trust fish and wildlife populations, threatened and endangered species, and species of special concern will be improved by enhancing and/or restoring or creating 550,000 acres of wetlands habitat, restoring 1,000,000 acres of upland habitats, and enhancing and/or restoring 9,800 riparian or stream miles of habitat off Service land through partnerships and other conservation strategies.

Service, in cooperation with the applicants, must address Federal compliance issues, such as the National Environmental Policy Act, the National Historic Preservation Act, and the Endangered Species Act. Regional Office FA staff can assist in explaining the procedures and documentation necessary for meeting these Federal requirements. The States must send this additional documentation to the appropriate Regional Office where FA staff will approve the grant agreement to obligate funds. See the answer to Question 25 for Regional Office locations and <http://www.nctc.fws.gov/fedaids/toolkit/fagabins.pdf> for additional information.

23. What reporting requirements must States meet once funds are obligated under an LIP grant agreement? The Service requires an annual progress report and Financial Status Report (FSR) for grants longer than one year. In addition, a final performance report and FSR (SF-269) are due to the Regional Office within 90 days of the grant agreement ending date.

In its annual report, the State must include a list of project accomplishments in relation to those which were planned in the grant agreement. The number of upland and wetland acres and the number of riparian/stream miles restored or improved (performance measures), and the species benefitted should be provided. This information will help demonstrate the States' efforts and leadership in helping the LIP meet the Service's national goals for Fish and Wildlife Sustainability 1.2) and Habitat Conservation (2.3). The effectiveness of each State's program, as reported in its annual progress reports, will be an important factor considered during the grant award selection process in subsequent years.

24. Will landowners who have LIP projects implemented on their property be required to leave project improvements in place for a specific period? States should address this issue in their grant proposals, landowner incentive programs, and agreements with individual landowners. Habitat improvements should remain in place to realize the desired benefits for species-at-risk.

25. Whom can I contact in the Service about the LIP program in my local or regional area? Correspondence and telephone contacts for the Service are listed by Region below.

Region 1. Hawaii, Idaho, Oregon, Washington, California, Nevada, American Samoa, Guam, and Commonwealth of the Northern Mariana Islands.

Regional Director, Division of Federal Aid

U.S. Fish and Wildlife Service

911 NE 11th Avenue

Portland, Oregon 97232-4181

LIP Contact: Verlyn Ebert, (503) 231-6128

Region 2. Arizona, New Mexico, Oklahoma, and Texas

Regional Director, Division of Federal Aid

U.S. Fish and Wildlife Service

500 Gold Avenue SW, Room 4012

Albuquerque, New Mexico 87102

LIP Contact: Bob Anderson, (505) 248-7459

Region 3. Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

Regional Director, Division of Federal Aid

U.S. Fish and Wildlife Service

Bishop Henry Whipple Federal Building

One Federal Drive

Fort Snelling, Minnesota 55111-4056

LIP Contact: Lucinda Corcoran, (612) 713-5135

Region 4. Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands.

Regional Director, Division of Federal Aid

U.S. Fish and Wildlife Service

1875 Century Boulevard, Suite 200

Atlanta, Georgia 30345

LIP Contact: Christine Willis, (404) 679-7310

Region 5. Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Regional Director, Division of Federal Aid

U.S. Fish and Wildlife Service

300 Westgate Center Drive

Hadley, MA 01035-9589

LIP Contact: Colleen Sculley, (413) 253-8509

Region 6. Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Regional Director, Division of Federal Aid

U.S. Fish and Wildlife Service

P.O. Box 25486, Denver Federal Center

Denver, Colorado 80225-0486

LIP Contact: Otto Jose, (303) 236-7352

Region 7. Alaska

Regional Director, Division of Federal Aid

U.S. Fish and Wildlife Service

1011 East Tudor Road

Anchorage, Alaska 99503-6199

LIP Contact: Al Havens (907) 786-3435